

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LUKE LEFEVER,

Plaintiff,

vs.

IVAN CASTELLANOS, et al.,

Defendants.

4:20CV3066

**MEMORANDUM
AND ORDER**

This matter is before the court on (1) Plaintiff's motion to correct the exhibit record (Filing 73) and (2) Plaintiff's supplemental motion for reconsideration of the court's order denying appointment of counsel (Filing 79).

Filing 73

Plaintiff wants to renumber exhibits that were attached to Filings 39, 49, and 66. This request will be denied because no correction of the record is needed, and renumbering the attachments would only create unnecessary confusion. There is no "exhibit list" at this point of the proceedings.

Filing 79

In a Memorandum and Order entered on October 25, 2021 (Filing 60), the court denied Plaintiff's motion for appointment of counsel and explained in detail its reasons for doing so. The court also explained that appointment of counsel would not relieve Plaintiff of costs associated with discovery, such as court reporter fees. On November 29, 2021, Plaintiff filed a motion for reconsideration of the court's order. Applying the standards of Rule 60(b), *see Williams v. York*, 891 F.3d 701, 706 (8th Cir. 2018), the court denied the motion for reconsideration on December 14, 2021. See Filing 71. Plaintiff's supplemental motion was filed on December 20, 2021. Plaintiff raises a collateral issue concerning the prison's confiscation of a DVD produced during discovery, and lists 25 witnesses or categories of witnesses

he would like to depose. Plaintiff again fails to demonstrate any legitimate reason for altering, amending, or otherwise obtaining any relief from the court's non-final order denying his motion for appointment of counsel. Thus, Plaintiff's supplemental motion for reconsideration will be denied.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion to correct the exhibit record (Filing 73) is denied.
2. Plaintiff's supplemental motion for reconsideration (Filing 79) is denied.

Dated this 3rd January 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge